

1 IN THE UNITED STATE DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
3 Civil Action No. 1:20-cv-1049

4 JESSICA JOHNSON, on behalf of
5 herself and all others similarly situated,

6 Plaintiff,

7 v.

8 PALMS ASSOCIATES, LLC, and
9 DURHAM MEWS, LLC, f/k/a
10 DURHAM SECTION I ASSOCIATES,

11 Defendants.

:
:
:
: **DECLARATION OF OMEIKIEA**
: **LORENZANO OF ANGEION**
: **GROUP, LLC RE: SETTLEMENT**
: **ADMINISTRATION**
:
: Date: June 14, 2023
: Time: 2:00 p.m.
: Place: Courtroom No. 1

12
13 I, Omeikiea Lorenzano declare:

14 1. I am an Associate Project Manager at the class action notice and
15 settlement administration firm Angeion Group, LLC (“Angeion”), the Settlement
16 Administrator retained in this matter, located at 1650 Arch Street, Suite 2210,
17 Philadelphia, PA 19103. I am over 21 years of age and am not party to this action. I
18 have personal knowledge of the facts set forth herein.

19 2. Angeion was retained by the Parties and appointed by this Court to serve
20 as Settlement Administrator and to, among other tasks, provide notice to Settlement
21 Class Members; respond to Settlement Class Member inquiries; receive and process
22 Settlement Class Member Claim Forms, exclusion requests and objections; and
23 perform other duties as specified in the *Settlement Agreement*, and by the order(s) of
24 the Court, including but not limited to the *Preliminary Approval of Class Action*
25 *Settlement, Certifying Classes for Purpose of Settlement, Directing Notice to the*
26 *Classes, and Scheduling Fairness Hearing* (“Preliminary Approval Order”), entered
27 on February 13, 2023.
28

1 3. Angeion is not related to or affiliated with the Plaintiff, Plaintiff's
2 Counsel, Defendant or Counsel for Defendant.

3 **CAFA NOTICE**

4 4. Angeion was advised by Defendant's counsel that the Defendant
5 provided notice of the proposed class action settlement to the appropriate federal and
6 state officials pursuant to 28 U.S.C. § 1715.

7 **CLASS LIST**

8 5. On or about February 15, 2023, Angeion received from the Defendant
9 11 spreadsheets containing 1,940 records of Settlement Class Member data. Each
10 record contained the following data: the Settlement Class Member's name, last
11 known mailing address, property address where class member received collection
12 letter or charged fees at, and which subclass(es) they belonged to. An email address
13 was provided for 1,906 records and a phone number was provided for 1,931 records.
14 Angeion reviewed and deduped the 1,940 records that were provided. Following the
15 deduplication process, there were 1,567 unique Class Members which Angeion used
16 to compile the Settlement Class Member database ("Class List").

17 **EMAIL NOTICE**

18 6. On February 27, 2023, Angeion caused the Email notice to be sent to
19 the 1,486 records with a valid email address, of which 1,376 emails were delivered
20 and 110 were not delivered due to a hard bounce. A true and accurate copy of the
21 Email Notice is attached hereto as **Exhibit A**.

22 **MAILED NOTICE**

23 7. Prior to mailing, Angeion processed the mailing addresses of 191
24 records which did not successfully receive an Email Notice through the United States
25 Postal Service ("USPS") National Change of Address ("NCOA") database to identify
26 updated address information for individuals and businesses who have moved in the
27 last four years and filed a change of address card with the USPS. The NCOA results
28

1 provided 19 updated addresses for the Settlement Class Members. Angeion updated
2 the Class List with these updated addresses.

3 8. On March 3, 2023 Angeion caused the Postcard Notice (“Notice”) to be
4 mailed to all 191 Settlement Class Members via USPS first class mail, postage
5 prepaid. A true and accurate copy of the Postcard Notice is attached hereto as **Exhibit**
6 **B**.

7 9. As of April 21, 2023, the USPS has not returned any notices with a
8 forwarding address.

9 10. As of April 21, 2023, a total of 46 of the initial Notices mailed have
10 been returned by the USPS as undeliverable without a forwarding address. The 46
11 undeliverable Notices without a forwarding address were processed through address
12 verification searches (“skip trace”). Of the 46 records subjected to a skip trace, a new
13 address was located for 31 of them. Angeion updated the Settlement Class Member
14 database and has re-mailed Notices to the 31 Settlement Class Members to the
15 updated addresses obtained via the skip trace process. Of the re-mailed Notices, none
16 have been returned by the USPS a second time.

17 **CASE SPECIFIC WEBSITE**

18 11. On February 27, 2023, Angeion established the following website
19 dedicated to this Settlement: www.ncpalmstenantsclass.com (“Settlement Website”).
20 The Settlement Website contains an online portal where Class Members may submit
21 a claim. The Settlement Website also has a “Frequently Asked Questions” page which
22 provides Class Members with answers to common inquiries about the Settlement, and
23 a “Contact Us” page which provides Settlement Class Members with the mailing
24 address, phone number and email address to contact the Settlement Administrator.
25 Additionally, the Long Form Notice, Claim Form, Settlement Agreement, Preliminary
26 Approval Order, and other settlement related documents are available for download.
27 True and accurate copies of the Long Form Notice and Claim Form are attached hereto
28 as **Exhibit C** and **Exhibit D** respectively.

12. As of April 21, 2023, the Settlement Website has had 2,191 unique visitors, resulting in approximately 5,124 page views.

CASE SPECIFIC HOTLINE

13. On February 27, 2023, Angeion established a toll-free hotline dedicated to this Settlement to further apprise Settlement Class Members of their rights and options in the Settlement: 1-(833)-242-0509. The toll-free hotline utilizes an interactive voice response (“IVR”) system to provide Settlement Class Members with responses to frequently asked questions and provide essential information regarding the Settlement. Settlement Class Members may also leave a message to ask additional questions, provide updated address information or request a notice to be mailed to them. This hotline is accessible 24 hours a day, 7 days a week.

CLAIM FORMS, REQUESTS FOR EXCLUSION, AND OBJECTIONS

14. The deadline for Class Members to submit a Claim Form was April 14, 2023. As of April 21, 2023, Angeion has received 246 Claim Forms (61 via online portal and 185 via mail).

15. The deadline for Class Members to request exclusion from the Settlement was April 14, 2023. As of April 21, 2023, Angeion has not received any requests for exclusion.

16. The deadline for Class Members to object to the Settlement was April 14, 2023. As of April 21, 2023, Angeion has not received any objection to the Settlement.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on April 28, 2023, in Philadelphia, Pennsylvania.

/s/ Omeikia Lorenzano
Omeikia Lorenzano

Exhibit A

From: donotreply@ncpalmstenantsclass.com NC Palms Settlement Administrator

Subject: Notice of Class Action Settlement – NC Palms Fee Settlement

To: [Name]

Notice ID: [Notice ID]

Confirmation Code: [Confirmation Code]

Legal Notice

If, between October 7, 2016 and June 25, 2018, you resided in any of the properties in North Carolina owned and/or managed by Palms Associates, LLC and/or Durham Mews, LLC f/k/a Durham Section I Associates, and received a Collection Letter or paid Eviction Fees, a Class Action Settlement affects your rights.

You received this Notice because Palms Associates, LLC and/or Durham Mews, LLC f/k/a Durham Section I Associates records indicate that you may be a member of the Collection Letter Class.

If you are a member of the *Collection Letter Class*, you must file a Claim Form online at www.ncpalmstenantsclass.com by April 14, 2023, to obtain Collection Letter benefits. *Eviction Fee Class Members* are automatically eligible and do NOT need to file a Claim Form to obtain Monetary Relief—Cash benefits.

For more information, visit www.ncpalmstenantsclass.com email Info@ncpalmstenantsclass.com, or call 1-833-242-0509.

This Notice informs you of a proposed Settlement in a class action lawsuit filed by Jessica Johnson (the “Plaintiff”) against Palms Associates, LLC and Durham Mews, LLC f/k/a Durham Section I Associates (“Defendants”). Plaintiff alleged that the Defendants unlawfully charged Eviction Fees when filing summary ejectment/eviction actions against their tenants. Plaintiff also alleged that the Defendants unlawfully threatened to charge Eviction Fees by sending the Collection Letters. The Settlement resolves the lawsuit. The Defendants deny that they did anything wrong or unlawful, including denying any liability to Plaintiff or to the members of the Settlement Classes.

If you are included in the Settlement, you may qualify to receive Monetary and Non-Monetary Relief benefits. The amount of compensation is dependent on whether you are a member of the Collection Letter Class or Eviction Fee Class.

Who’s included? There are two types of Class Members in this Action: Collection Letter Class Members and Eviction Fee Class Members. You received this Notice because Palms Associates, LLC’s and Durham Mews, LLC f/k/a Durham Section I Associates’ records indicate that you may be a member of the Collection Letter Class.

You are a **Collection Letter Class Member** if you are a natural person who, between October 7, 2016 and June 25, 2018, resided in any of the Defendants’ properties in North Carolina and received a Collection Letter. A selection of Collection Letters can be found at: www.ncpalmstenantsclass.com.

You are an **Eviction Fee Class Member** if you are a natural person who, between October 7, 2016 and June 25, 2018, (a) resided in any of the Defendants’ properties in North Carolina; (b) were charged Eviction Fees by the Defendants or their affiliates; and (c) actually paid such Eviction Fees. **Eviction Fee Class Members may also be Collection Letter Class Members if they meet the requirements of both Classes.**

What does the Settlement provide? If the Settlement is approved by the Court, Settlement Class Members will receive certain Monetary and Non-Monetary Relief benefits. Monetary Relief means approximately \$650,000.00 in Debt Relief and \$225,000 in cash as a Settlement Contribution for payment of all approved Collection Letter Class and Eviction Fee Class claims. The exact amount of compensation will be determined after administrative expenses, service award(s), and attorneys’ fees and costs are deducted. Awards may be subject to a pro rata reduction based on availability.

What can I get from the Settlement? The amount of compensation is dependent on whether you are a member of the Collection Letter Class or Eviction Fee Class.

A. **Monetary Relief - Cash benefit:** If you are a **Collection Letter Class Member**, you must submit a valid and timely Claim Form online at www.ncpalmstenantsclass.com by **April 14, 2023**. You may also download a Claim Form at www.ncpalmstenantsclass.com and mail it to the Settlement Administrator as long as it is postmarked by **April 14, 2023**. **Collection Letter Class Members** are eligible to receive \$20 for each Collection Letter that they received, up to a maximum amount of \$60. This amount can be reduced if a total of more than \$10,000 is requested by Collection Letter Class Members. If you make a claim for Cash benefits available to Collection Letter Class, you must swear, under penalty of perjury, to receiving a Collection Letter, and state the month and year of each Collection Letter received. You must provide specific information and dates about any Collection Letters you received to qualify for any award. If you are a member of the **Eviction Fee Class**, you may also be a member of the **Collection Letter Class** if you meet the requirements of both Classes and may claim Collection Letter benefits, as explained above. You must submit a Claim Form if you want to obtain Collection Letter benefits in addition to Eviction Fee benefits for which you are eligible automatically. The Claim Form can be submitted online at www.ncpalmstenantsclass.com, or by mail, postmarked on or before **April 14, 2023**.

Eviction fee class members will receive approximately \$190.00 for being charged and paid eviction fees. Anyone who is in these classes will also be included to receive debt relief, the total amount of which is approximately \$650,000.

To obtain information about Cash benefits and Debt Relief benefits available only to Eviction Fee Class Members, please refer to the Notice that is available at www.ncpalmstenantsclass.com or contact the Settlement Administrator.

What are your options? If you don't want to receive a payment or other Settlement benefits and don't want to be bound by the Settlement and any judgment, you must send a written request to exclude yourself from the Class, postmarked no later than **April 14, 2023**. If you exclude yourself, you will not receive benefits from the Settlement. If you don't exclude yourself, you will give up the right to sue the Defendants about any of the issues related to this case. If you don't exclude yourself, you may object to the Settlement or to the request for fees and costs by Class Counsel. The Notice, available at www.ncpalmstenantsclass.com, explains how to exclude yourself or object. The Court will hold a Hearing in this case on **June 14, 2023 at 2:00 p.m.** The date and time of the Hearing may change, please check the Settlement website www.ncpalmstenantsclass.com often for updates.

How can I learn more about this case? This Notice contains limited information about the Settlement. For more information, to view additional Settlement documents, to file a Claim and to review information regarding your opt-out and objection rights and the Final Approval Hearing, visit www.ncpalmstenantsclass.com. You may also contact the Settlement Administrator as indicated below.

Toll-Free: 1-833-242-0509
Email: Info@ncpalmstenantsclass.com
www.ncpalmstenantsclass.com

Exhibit B

Who's included? You received this Notice because Defendants Palms Associates, LLC and/or Durham Mews, LLC f/k/a Durham Section I Associates ("Defendants") records indicate that you MAY be a member of the **Collection Letter Class**. There are two types of Class Members in this Action: Collection Letter Class Members and Eviction Fee Class Members. You are a **Collection Letter Class Member** if you are a natural person who, between October 7, 2016 and June 25, 2018, resided in any of the Defendants' properties in North Carolina and you received a Collection Letter. You are an **Eviction Fee Class Member** if you are a natural person who, between October 7, 2016 and June 25, 2018, (a) resided in any of the Defendants' properties in North Carolina; (b) was charged Eviction Fees by the Defendants or their affiliates; and (c) actually paid such Eviction Fees. **Eviction Fee Class Members may also be Collection Letter Class Members if they meet the requirements of both Classes.**

What does the Settlement provide? If the Settlement is approved by the Court, Settlement Class Members will receive certain Monetary and Non-Monetary Relief benefits. Monetary Relief means approximately \$650,000.00 in Debt Relief and \$225,000 in cash as a Settlement Contribution for payment of all approved Collection Letter Class and Eviction Fee Class claims. The exact amount of compensation will be determined after administrative expenses, service award(s), and attorneys' fees, expenses, and costs are deducted. Awards may be subject to a pro rata reduction based on availability.

What can I get from the Settlement? The amount of compensation is dependent on whether you are a member of the **Collection Letter Class** or **Eviction Fee Class**. **Cash benefit:** If you are a **Collection Letter Class Member**, you must submit a valid and timely Claim Form online at www.ncpalmstenantsclass.com by **April 14, 2023**. You may also download a Claim Form at www.ncpalmstenantsclass.com and mail it to the Settlement Administrator as long as it is postmarked by **April 14, 2023**. **Collection Letter Class Members** are eligible to receive \$20 for each Collection Letter that they received, with a maximum of \$60. If you make a claim for Collection Letter benefits, you must swear, under penalty of perjury, to receiving a Collection Letter, and state the month and year of each Collection Letter received. You must provide specific information and dates about the Collection Letters you received to qualify for any award amount. If you are a member of the **Eviction Fee Class**, you may also be a member of the **Collection Letter Class** if you meet the requirements of both Classes and may claim Collection Letter benefits, as explained above. You must submit a Claim Form if you want to obtain Collection Letter benefits in addition to Eviction Fee benefits for which you are eligible automatically. The Claim Form can be submitted online at www.ncpalmstenantsclass.com. The Claim Form must be submitted online or postmarked on or before **April 14, 2023**.

To obtain information about Cash benefits and Debt Relief benefits available to Class Members, please refer to the Notice that is available at the Settlement Website or contact the Settlement Administrator.

What are your options? If you don't want to receive a payment or other Settlement benefits and don't want to be bound by the Settlement and any judgment, you must send a written request to exclude yourself from the Class, postmarked no later than **April 14, 2023**. If you exclude yourself, you will not receive benefits from the Settlement. If you don't exclude yourself, you will give up the right to sue the Defendants about any of the issues related to this case. If you don't exclude yourself, you may object to the Settlement or to the request for fees and costs by Class Counsel. The Notice, available at www.ncpalmstenantsclass.com, explains how to exclude yourself or object. The Court will hold a Hearing in this case on **June 14, 2023 at 2:00 p.m.** The date and time of the Hearing may change, please check the Settlement website for updates.

How can I learn more about this case? This Notice contains limited information about the Settlement. For more information, to view additional Settlement documents, to file a Claim and to review information regarding your opt-out and objection rights and the Final Approval Hearing, visit www.ncpalmstenantsclass.com. You may also contact the Settlement Administrator by email: Info@ncpalmstenantsclass.com, or by phone: 1-833-242-0509.

LEGAL NOTICE

If, between October 7, 2016 and June 25, 2018, you resided in any of the properties in North Carolina owned and/or managed by Defendants Palms Associates, LLC and/or Durham Mews, LLC f/k/a Durham Section I Associates, and received a Collection Letter or were charged Eviction Fees, a Class Action Settlement affects your rights.

This is a court-approved legal Notice. This is not a solicitation from a lawyer.

Johnson v. Palms Associates, LLC, et al.
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

US Postage
Paid
Permit #__

«Barcode»

Postal Service: Please do not mark barcode

Notice ID: «Notice ID»

Confirmation Code: «Code»

«First1» «Last1»

«Addr1» «Addr2»

«City», «St» «Zip»

Exhibit C

If you resided in any of the properties in North Carolina owned and/or managed by PALMS ASSOCIATES, LLC and/or DURHAM MEWS, LLC f/k/a DURHAM SECTION I ASSOCIATES, you may be entitled to benefits from a class action Settlement.

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

- This Notice informs you of a proposed settlement in a class action lawsuit filed by Jessica Johnson (the “Plaintiff”) against Palms Associates, LLC, and Durham Mews, LLC, f/k/a Durham Section I Associates (the “Defendants”). Plaintiff alleged that Defendants unlawfully charged and threatened certain fees when filing summary ejectment/eviction actions against their tenants at the apartment complexes of varying names that Defendants own, owned, manage, or managed in North Carolina. The Settlement resolves the lawsuit. Defendants deny that they did anything wrong or unlawful, including denying any liability to Plaintiff or to the members of the Settlement Classes.
- If you are included in the Settlement, you may qualify to receive compensation. The amount of compensation is dependent on whether you are a member of the Collection Letter Class or Eviction Fee Class.
 - **Collection Letter Class Members**. If you are a natural person who (a) at any point between October 7, 2016, and June 25, 2018, (b) resided in any of the properties in North Carolina owned and/or managed by Defendants and (c) received a Collection Letter, then you are a member of the Collection Letter Class.
 - **Eviction Fee Class Members** If you are a natural person who (a) at any point between October 7, 2016, and June 25, 2018, (b) resided in any of the properties in North Carolina owned and/or managed by Defendants and (c) were charged and (d) paid Eviction Fees, then you are a member of the Eviction Fee Class.
 - See Question 5 for a detailed explanation of the Classes.
- **Please see the chart on the next page which provides a quick reference guide to the deadlines and obligations of Class Members for each Class described above.**
- **If you are a member of the Class, your legal rights are affected whether you act or do not act. Read this Notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

COLLECTION LETTER CLASS	
SUBMIT A CLAIM FORM BY April 14, 2023	If you wish to receive benefits from the Settlement, you must submit a valid and timely Claim Form.
EXCLUDE YOURSELF BY April 14, 2023	You will receive no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendants about the legal claims in this case.
OBJECT BY April 14, 2023	Write to the Court about why you think the Settlement is unfair, inadequate, or unreasonable.
GO TO A HEARING ON June 14, 2023 AT 2:00 PM	Ask to speak in Court about the fairness of the Settlement.
FILE A NOTICE OF INTENT TO APPEAR BY April 14, 2023	Your Notice of Intent to Appear in Court at the Hearing must be filed with the Court and served on Class Counsel and Defendants' Counsel no later than this date.
DO NOTHING	Get no payment. Give up rights to ever sue the Defendants about the legal claims in this case.
EVICITION FEE CLASS	
DO NOTHING	You will remain a member of the Eviction Fee Class and will automatically receive a Settlement Benefit. Members of this Class do not need to file a Claim unless they are also members of the Collection Letter Class.
EXCLUDE YOURSELF BY April 14, 2023	You will receive no payment from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against the Defendants about the legal claims in this case.
OBJECT BY April 14, 2023	Write to the Court about why you think the Settlement is unfair, inadequate, or unreasonable.
GO TO A HEARING ON June 14, 2023 AT 2:00PM	Ask to speak in Court about the fairness of the Settlement.
FILE A NOTICE OF INTENT TO APPEAR BY April 14, 2023	Your Notice of Intent to Appear in Court at the Hearing must be filed with the Court and served on Class Counsel and Defendants' Counsel no later than this date.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice. The deadlines may be moved, canceled, or otherwise modified, so please check the Settlement Website, www.ncpalmstenantsclass.com regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

WHAT THIS NOTICE CONTAINS:

BASIC INFORMATION

1. Why is there a Notice?
2. What is this lawsuit about?
3. Why is this a class action?
4. Why is there a Settlement?

WHO IS IN THE SETTLEMENT?

5. How do I know if I am in the Settlement?
6. What if I am still not sure if I am included in the Settlement?

SETTLEMENT BENEFITS

7. What does the Settlement provide?
8. What can I get from the Settlement?
9. What am I giving up to stay in the Class?

HOW TO GET A PAYMENT

10. How can I get a payment?
11. When will I get my payment?

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of the Settlement?
13. If I do not exclude myself, can I sue the Defendants for the same thing later?
14. If I exclude myself, can I still get a payment?

OBJECTING TO THE SETTLEMENT

15. How can I tell the Court if I do not like the Settlement?
16. What is the difference between objecting and excluding?

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?
18. How will the lawyers be paid?

THE COURT'S FAIRNESS HEARING

19. When and where will the Court decide whether to approve the Settlement?
20. Do I have to come to the Hearing?
21. May I speak at the Hearing?

IF YOU DO NOTHING

22. What happens if I do nothing at all?

GETTING MORE INFORMATION

23. How do I get more information?

BASIC INFORMATION

1. Why is there a notice?

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of this case is the Honorable William J. Osteen, Jr., a United States District Court Judge who was assigned this case, and the case is called *Jessica Johnson v. Palms Associates, LLC, and Durham Mews, LLC f/k/a Durham Section I Associates*, Case No. 1:20-cv-1094 (United States District Court for the Middle District of North Carolina). The individual who sued is called the Plaintiff or Class Representative, and the companies being sued are called the Defendants.

2. What is this lawsuit about?

The lawsuit alleges that the Defendants unlawfully charged complaint filing fees, sheriff service fees, and attorneys' fees ("Eviction Fees") when filing summary ejectment/eviction actions against their tenants. Plaintiff also alleged that Defendants unlawfully threatened to charge Eviction Fees through written correspondence (the "Collection Letter").

The lawsuit brought various claims for relief: a violation of the North Carolina Residential Rental Agreements Act (N.C.G.S. § 42-46), a violation of the North Carolina Debt Collection Act (N.C.G.S. § 75-50 et seq.), a violation of the North Carolina Unfair and Deceptive Trade Practices Act (N.C.G.S. § 75-1.1 et seq.), and for declaratory judgment.

The Defendants deny these claims, contend that they have numerous defenses to the action, and deny that class certification is required or appropriate.

3. Why is this a class action?

In a class action, one or more people, called "Class Representatives," sue on behalf of people who have similar claims. All these people are in a "class" or "settlement class members," except for those who exclude themselves from the Class. The Honorable William J. Osteen, Jr. of the United States District Court for the Middle District of North Carolina, is in charge of this class action.

4. Why is there a Settlement?

The Defendants deny that they did anything wrong. Both sides want to avoid the cost of further litigation. The Court has not decided in favor of the Representative Plaintiff or the Defendants. The Representative Plaintiff and her attorneys think the Settlement is best for everyone who is affected. The Settlement provides the opportunity for Settlement Class Members to receive Settlement benefits.

WHO IS IN THE SETTLEMENT?

5. How do I know if I am in the Settlement?

There are two types of Class Members in this Action:

A) *Collection Letter Class Members*

You are a Collection Letter Class Member if you are a natural person who at any point between October 7, 2016, and June 25, 2018, resided in any of the properties in North Carolina owned and/or managed by Defendants, and you received a Collection Letter.

B) *Eviction Fee Class Members*

You are an Eviction Fee Class Member if you are a natural person who at any point between October 7, 2016, and June 25, 2018, resided in any of the properties in North Carolina owned and/or managed by Defendants, and you were charged and paid Eviction Fees.

Eviction Fee Class Members may also be Collection Letter Class Members if they meet the requirements of both Classes.

Excluded from the Settlement Classes are (1) employees, directors, officers, and agents of Defendants; (2) persons who timely and properly exclude themselves from the Settlement Classes as provided in this Notice; (3) anyone who has previously executed a written release that related to the collecting or threatening to collect Eviction Fees; and (4) the Court, the Court's immediate family, and Court staff.

6. What if I am still not sure if I am included in the Settlement?

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, you should visit the Settlement Website, www.ncpalmstenantsclass.com, or call the toll-free number, 833-242-0509.

SETTLEMENT BENEFITS

7. What does the Settlement provide?

The Settlement provides two types of benefits: Monetary Relief and Non-Monetary Relief. Monetary Relief means \$225,000 in cash and approximately \$660,000.00 in Debt Relief. The Monetary Relief shall be used to pay all costs associated with the Settlement, including but not limited to (a) the costs of notice and administration of the Settlement, including for a Settlement Notice and Claims Administrator to process claims, objections, and opt-out requests; (b) the payment of valid approved claims; (c) attorneys' fee awards (if any); (d) attorneys' expenses and costs (actually incurred litigation expenses and other hard costs apart from fees); (e) service awards (if any) to the Representative Plaintiffs; and (f) any other expenses.

8. What can I get from the Settlement?

A. Monetary Relief - Cash Fund

If you are a member of the *Collection Letter Class*, you must submit a valid and timely Claim Form either online at www.ncpalmstenantsclass.com or print it off and mail it to the address below by **April 14, 2023**. If you submit such a Claim Form, you are eligible to receive \$20.00 if you certify under penalty of perjury that you received a Collection Letter threatening that Defendants would assess Eviction Fees. You may be eligible to receive \$20.00 per letter, up to a maximum of \$60.00, for each Collection Letter received. You must certify under penalty of perjury the number of Collection Letters received and provide the month and the year when those Collection Letters were received. You must provide specific information and the months and the years about any Collection Letters you received to receive any award.

If you submit a valid and timely Claim Form, the amount you actually receive may be significantly different depending on how many valid claims are ultimately submitted by other Class Members. The available Settlement Fund will be distributed on a proportional basis once the Settlement becomes final. The Collection Letter Class has been allotted \$10,000.00 of the Settlement Fund. The exact amount of compensation will be determined after administrative expenses, service award, and attorneys' fees and costs are deducted.

You must submit a valid Claim Form to obtain Collection Letter benefits.

If you are a member of the *Eviction Fee Class*, you do NOT need to file a claim to obtain Eviction Fee benefits. Defendants' records demonstrate how many instances in which you were charged and paid Eviction Fees to Defendants during the Relevant Time Period. Accordingly, each Eviction Fee Class Member may receive compensation of approximately \$190.00 for being charged and paid Eviction Fees.

If you are a member of the *Eviction Fee Class*, you may also be a member of the *Collection Letter Class*. You must submit a Claim Form if you want to obtain Collection Letter Class benefits in addition to Eviction Fee Class benefits for which you are eligible automatically as explained above.

The available Settlement Fund will be distributed on a proportional basis once the Settlement becomes final, subject to the allotment available to the Collection Letter Class described above. The Eviction Fee Class has been allotted the remainder of the Settlement Fund and any unclaimed funds allotted to the Collection Letter Class. The exact amount of compensation will be determined after administrative expenses, service award, and attorneys' fees and costs are deducted, and awards may be subject to a pro rata reduction if oversubscribed.

You do not need to submit a Claim Form to obtain Eviction Fee Class cash benefits.

B. Monetary Relief-Debt Relief

In addition to the cash payments described above, Defendants agree to waive all Outstanding Debt owed by Class members who resided at certain Defendants' Properties. This amounts to approximately \$650,000.00. This benefit is automatically available to qualified Eviction Fee Class members; **you do not need to submit a Claim Form to obtain Debt Relief benefits.**

9. What am I giving up to stay in the Class?

Unless you exclude yourself from the Settlement, you cannot sue the Released Persons, continue to sue, or be part of any other lawsuit against the Released Persons about the claims released in this Settlement. It also means that all of the decisions by the Court will bind you. The Released Claims and Released Persons are defined in the Settlement Agreement and describe the legal claims that you give up if you stay in the Settlement Class. The Settlement Agreement is available at the Settlement Website, www.ncpalmstenantsclass.com.

HOW TO GET A PAYMENT

10. How can I get a payment?

A. *Monetary Relief- Cash Payments*

Eviction Fee Class Members do not need to submit a claim to obtain Eviction Fee benefits. Defendants' records will be used to determine your eligibility to participate in the Settlement. ***Eviction Fee Class Members*** are also members of the ***Collection Letter Class***. As an Eviction Fee Class Member, you must submit a Claim Form as explained below if you want to obtain Collection Letter Class benefits, in addition to Eviction Fee Class benefits for which you are eligible automatically.

Collection Letter Class Members must complete and submit a timely Claim Form to be eligible to receive a payment. You can complete and submit your Claim Form online at the Settlement Website. The Claim Form can be downloaded from the Settlement Website, as well. You can also request a Claim Form be sent to you by sending a written request to the Settlement Administrator by mail or by email.

B. *Monetary Relief-Debt Relief*

Qualified Class members do not need to submit a claim to obtain Debt Relief benefits. This benefit will be automatically conferred to Eviction Fee Class members who resided at certain Defendants' Properties.

Claims may be mailed or emailed at the following addresses:

MAIL: *Johnson v. Palms Associates, Inc., et al., c/o Settlement Administrator, 1650 Arch Street, Suite 2210 Philadelphia, PA 19103.*

EMAIL: info@ncpalmstenantsclass.com

Please read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **April 14, 2023**, or submit your Claim Form online at the Settlement Website, www.ncpalmstenantsclass.com, by **April 14, 2023**.

If you do not submit a valid Claim Form by the deadline, you will not receive a payment, and your claims will be extinguished.

11. When will I get my benefits?

Benefits will be made after the Court grants "final approval" to the Settlement and after all appeals are resolved. If the Court approves the Settlement, there may be appeals. It's always uncertain whether these appeals can be resolved and resolving them can take time.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement, and you want to keep the right to sue or continue to sue the Released Persons on your own about the claims released in this Settlement, then you must take steps to get out. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

12. How do I get out of the Settlement?

To exclude yourself, you must mail or email the Settlement Administrator, including the following:

- a. A caption or title that identifies it as “Request for Exclusion in *Johnson v. Palms Associates, LLC., et al.*, Case No. 1:20-cv-1094”;
- b. Your full name and address; and
- c. A signed statement that you wish to be excluded from the Settlement.

Your request for exclusion must be emailed or postmarked no later than **April 14, 2023** to the Settlement Administrator at:

SETTLEMENT ADMINISTRATOR
Class Action Opt-Out <i>Johnson v. Palms Associates, LLC., et al</i> Settlement PO Box 58220 Philadelphia, PA 19102 Email: info@ncpalmstenantsclass.com

No person or entity may opt-out on behalf of another Class Member.

If you don't include the required information or timely submit your request for exclusion, you will remain a Settlement Class Member and will not be able to sue the Released Persons about the claims in this lawsuit.

13. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants and Released Persons for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. If you properly exclude yourself from the Settlement Class, you shall not be bound by any orders or judgments entered in the Action relating to the Settlement Agreement.

14. If I exclude myself, can I still get a payment?

No. You will not get any money from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits.

OBJECTING TO THE SETTLEMENT

15. How can I tell the Court if I do not like the Settlement?

Any Class Member who does not timely and properly opt out of the Settlement may object to the fairness, reasonableness, or adequacy of the proposed Settlement under Federal Rule of Civil Procedure 23. Each Class Member who wishes to object to any term of this Agreement must do so, in writing, by filing a written objection with the Clerk of the Court and mailing it to Settlement Class Counsel, and counsel for Defendants.

The written objection must include: (i) the objector's name, address, and telephone number; (ii) the name of this Action and the case number; (iii) a statement of each objection; (iv) proof of class membership, and (v) a written brief detailing the specific basis for each objection, including any legal and factual support the objector wishes to bring to the Court's attention and any evidence the objector wishes to introduce in support of the objection.

If the objection is made through an attorney, the written objection must also include: (1) the identity and number of the Settlement Class members represented by objector's counsel; (2) the number of such represented Settlement Class members who have opted out of the Settlement Class; and (3) the number of such represented Settlement Class members who have remained in the Settlement Class and have not objected. If the attorney intends to seek fees and expenses from anyone other than the objectors he or she represents, the attorney shall also file with the Court and serve upon Class Counsel and Defendants' Counsel not later than fourteen days before the Final Fairness Hearing, or as the Court may otherwise direct, a document containing the following: (1) the amount of fees sought by the attorney for representing the objector and the factual and legal justification for the fees being sought; (2) a statement regarding whether the fees being sought were calculated on the basis of a lodestar, contingency, or other method; (3) the number of hours already spent by the attorney and an estimate of the hours to be spent in the future; and (4) the attorney's hourly rate.

Objectors must also make themselves available for deposition by counsel for the Parties between the time the objection is filed and a date no later than five (5) business days before the Final Fairness Hearing, and the objection must include the dates when the objector is available for deposition.

Any Settlement Class member who files and serves a written objection satisfying the requirements of this section, may appear at the Fairness Hearing, either in person or through personal counsel hired at the Settlement Class member's expense, to object to any aspect of the fairness, reasonableness, or adequacy of the Settlement. Class members, or their attorneys, intending to make an appearance at the Final Fairness Hearing must deliver to Class Counsel and Defendants' Counsel and have file-marked by the Court, no later than sixty days after the entry of the Preliminary Approval Order, or as the Court otherwise may direct, a Notice of Intent to Appear. The Notice of Intent to Appear must: (1) state how much time the Settlement Class member anticipates needing to present the objection; (2) identify, by name, address, and telephone number all witnesses the Settlement Class member proposes to have testify; (3) summarize in detail the anticipated testimony of all such witnesses; (4) identify all exhibits the Settlement Class member intends to offer in support of the objection; and (5) attach complete copies of all such exhibits.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to Class Counsel, Defendants' Counsel and Settlement Administrator no later than, **April 14, 2023** at the following addresses:

CLASS COUNSEL	DEFENDANTS' COUNSEL	COURT	SETTLEMENT ADMINISTRATOR
Scott Harris Patrick Wallace Milberg Coleman Bryson Phillips Grossman, PLLC 900 W. Morgan Street Raleigh, North Carolina 27603 Edward H. Maginnis Karl S. Gwaltney Maginnis Howard 7706 Six Forks Road Raleigh, North Carolina 27615	Richard T. Boyette F. Marshall Wall Steven A. Bader Cranfill Sumner LLP Post Office Box 27808 Raleigh, North Carolina 28603	US District Court L. Richardson Preyer Courthouse 324 W. Market Street Greensboro, NC 27401	<i>Johnson v. Palms Associates, LLC., et al.</i> c/o Settlement Administrator 1650 Arch Street, Ste 2210 Philadelphia, PA 19102

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is telling the Court that you don't want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object to the Settlement because it no longer affects you.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court has appointed "Class Counsel" as designated in Question 15 of this Notice to represent the Settlement Classes.

You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel intends to file a motion on or before **April 29, 2023** seeking an award up to one-third of the Monetary Relief (includes the Cash Fund and Debt Relief) in fees and approximately \$7,500 in out-of-pocket expenses, as well as a service award in the amount of \$2,500 for the Representative Plaintiff to be drawn from the Settlement Fund. The Court will determine the amount of fees and expenses and service awards.

THE COURT'S FAIRNESS HEARING

19. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing on **June 14, 2023 at 2:00 PM.** at the United States District Court for the Middle District Of North Carolina before the Hon., William L. Osteen, Jr., United States District Court Judge, in Courtroom No. 1, located at 324 W. Market Street, Greensboro, North Carolina 27401.

At the Fairness Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Representative Plaintiffs. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have, but you may come at your own expense. If you submit an objection, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intent to Appear." Your request must be filed with the Clerk of the Court and served on Class Counsel and Defendants' Counsel no later than **April 14, 2023**.

Any such request must state the name, address, and telephone number of the Class Member, as well as the name, address, and telephone number of the person who shall appear on his or her behalf. Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, shall be deemed ineffective and a waiver of such Class Member's rights to appear and to comment on the Settlement at the Fairness Hearing. Only the Parties, Settlement Class Members, or their counsel may request to appear and be heard at the Fairness Hearing. Persons or entities that opt out may not request to appear and be heard at the Fairness Hearing.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a **Collection Letter Class Member** and do nothing, you will not get a payment from the Settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Persons about the legal issues in this case, ever again.

If you are an **Eviction Fee Class Member** and do nothing, you will receive a payment as described above. You won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Released Persons about the legal issues in this case, ever again.

Qualified Class members who do not file a timely and valid claim form shall still receive the Debt Relief.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, available at the Settlement Website. If you have additional questions or want to request a Claim Form, you can visit the Settlement

Website or contact the Settlement Notice & Claims Administrator:

MAIL: *Johnson v. Palms Associates, LLC et al.* c/o Settlement Administrator, 1650 Arch Street, Suite 2210
Philadelphia, PA 19103

EMAIL: info@ncpalmstenantsclass.com

TOLL-FREE: 833-242-0509

Updates will be posted at the Settlement Website as information about the Settlement process becomes available.

**PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE
CONCERNING THIS CASE.**

Exhibit D

CLAIM FORM INSTRUCTIONS

Your Claim must be submitted
online or mailed and postmarked
by:

April 14, 2023

Johnson v. Palms Associates, LLC, et al.
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
www.ncpalmstenantsclass.com

PLM

Instructions for Completing the Claim Form

You are eligible to submit a Claim Form if you are a member of the **Collection Letter Class** and want to obtain Monetary Relief – Cash benefits available to Collection Letter Class. **Eviction Fee Class Members** do **NOT** need to file a Claim Form to obtain Monetary Relief – Cash or Debt Relief benefits available to Eviction Fee Class.

For more information about all available benefits, including Monetary Relief – Cash or Monetary Relief – Debt Relief benefits available automatically to certain Eviction Fee Class members that do not require a filing of a Claim Form, please read the Notice available at www.ncpalmstenantsclass.com or contact the Settlement Administrator.

You are a ***Collection Letter Class Member*** if you are a natural person who:

- (1) At any point between October 7, 2016 and June 25, 2018, resided in any of the properties in North Carolina owned and/or managed by the Defendants, **and**
- (2) You received a Collection Letter, which is any letter sent by Defendants between October 7, 2016 and June 25, 2018 that asserts that the individual will either (a) be charged with Eviction Fees upon the filing of a summary ejectment action or (b) that Eviction Fees are owed.

If you are a ***Collection Letter Class Member*** and submit a valid and timely Claim Form, you will be eligible to receive \$20 for each Collection Letter sent by Defendants, up to a maximum of \$60 regardless of the number of letters received, which is subject to pro rata increase or reduction if under or over-subscribed. If you make a claim for benefits, you must swear, under penalty of perjury, to receiving a Collection Letter, and state the month and year of each Collection Letter received. You must provide specific information and dates about any Collection Letters you received to qualify for any award.

You are an ***Eviction Fee Class Member*** if you are a natural person who:

- (1) At any point between October 7, 2016, and June 25, 2018, resided in any of the properties in North Carolina owned and/or managed by the Defendants, **and**
- (2) You were charged and actually paid Eviction Fees.

Eviction Fee Class Members do **NOT** need to file a Claim Form to obtain Monetary Relief – Cash benefits for Eviction Fee Class. They are automatically eligible to receive approximately \$190, subject to pro rata increase or reduction if under or over-subscribed.

If you are a member of the ***Eviction Fee Class***, you **may** also be a member of the ***Collection Letter Class*** if you meet the requirements of both Classes and may claim Collection Letter benefits, as explained above. You **must** submit a Claim Form if you want to obtain Monetary Relief – Cash benefits available to Collection Letter Class in addition to Monetary Relief – Cash benefits available to Eviction Fee Class for which you are eligible automatically.

If you submit a valid and timely Claim Form, the amount you actually receive may be significantly reduced depending on how many valid claims are ultimately submitted by other Class Members. The available Monetary Relief—Cash will be distributed on a proportional basis once the Settlement becomes final. The exact amount of compensation will be determined after administrative expenses, service award(s), and attorneys' fees and costs are deducted.

Please note that none of these benefits will be distributed or available until the Settlement is finally approved by the Court.

Please submit only one (1) Claim Form per person.

Your completed Claim Form must be submitted online at www.ncpalmstenantsclass.com on or before **April 14, 2023** or postmarked no later than **April 14, 2023** and mailed to:

Johnson v. Palms Associates, LLC, et al.
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

ALL CLAIMS ARE SUBJECT TO VERIFICATION.

PLEASE KEEP A COPY OF YOUR COMPLETED CLAIM FORM FOR YOUR RECORDS.

CLAIM FORM

*Your Claim must be submitted
online or mailed and
postmarked by:*

April 14, 2023

Johnson v. Palms Associates, LLC et al.
c/o Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
www.ncpalmstenantsclass.com

PLM

SECTION A: NAME AND CONTACT INFORMATION

Provide your name and contact information below. It is your responsibility to notify the Settlement Administrator of any changes to your contact information after the submission of your Claim Form.

First Name

Last Name

Street Address (Mailing Address)

City

State

Zip Code

Email Address

Phone Number

SECTION B: COLLECTION LETTER INFORMATION (applicable only for Collection Letter Class Members)

By submitting this Claim Form, I certify under penalty of perjury that I am a member of the Class and received one or more Collection Letters from the Defendants between October 7, 2016 and June 25, 2018.

- A. Please list the total number of Collection Letters received from Palms Associates, LLC and Durham Mews, LLC f/k/a Durham Section I Associates between October 7, 2016 and June 25, 2018:

- B. Please provide the months and years when you received Collection Letters from Palms Associates, LLC and Durham Mews, LLC f/k/a Durham Section I Associates:

SECTION C: SETTLEMENT COMPENSATION SELECTION

If your Claim is deemed eligible for payment, select the method by which you would like to receive your settlement benefit.

Select only one:

☐

Check via mail

☐

Direct credit to my PayPal account – *Provide the email address associated with your PayPal account below.*

Email Address for PayPal option. Please write clearly and legibly.

SECTION D: CLASS MEMBER VERIFICATION: (please check the box below)☐

I certify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the information provided in this Claim Form is true and correct to the best of my knowledge, information and belief. I understand the Settlement Administrator may contact me to request further verification of the information provided in this Claim Form.

Name: _____

Date: _____